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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/981,824	09/18/1998	JOSEF ENDL	P564-7029	8523

7590

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EXAMINER

EWOLDT, GERALD R

ART UNIT

PAPER NUMBER

1644

DATE MAILED: 05/07/2002

27

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/981,824

Applicant(s)

Endl et al.

Examiner

G.R. Ewoldt

Art Unit

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 28, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-54 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-3 and 5-54 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

DETAILED ACTION

1. Note that the application as filed comprised two claims numbered 7. The first Claim 7 has been renumbered as Claim 52.

2. Restriction to one of the following inventions is required under 35 U.S.C. § 121 and 372:

I. Claims 1-3, 5, and 18, drawn to peptide or peptide derivative, comprising SEQ ID NO:1, and a pharmaceutical composition thereof.

II. Claims 1-3, 5, and 18, drawn to peptide or peptide derivative, comprising SEQ ID NO:2, and a pharmaceutical composition thereof.

III. Claims 1-3, 5, and 18, drawn to peptide or peptide derivative, comprising SEQ ID NO:3, and a pharmaceutical composition thereof.

IV. Claims 1-3, 5, and 18, drawn to peptide or peptide derivative, comprising SEQ ID NO:4, and a pharmaceutical composition thereof.

V. Claims 1-3, 5, and 18, drawn to peptide or peptide derivative, comprising SEQ ID NO:5, and a pharmaceutical composition thereof.

VI. Claims 1-3, 5, and 18, drawn to peptide or peptide derivative, comprising SEQ ID NO:6, and a pharmaceutical composition thereof.

VII. Claims 1-3, 5, and 18, drawn to peptide or peptide derivative, comprising SEQ ID NO:7, and a pharmaceutical composition thereof.

VIII. Claim 6, drawn to a peptide mimetic.

IX. Claims 7-17 and 52-54, drawn to a complex comprising a peptide and an MHC molecule.

X. Claims 19-20, drawn to a composition comprising a peptide and an accessory-stimulating component.

XI. Claims 34-35, drawn to the use of a pharmaceutical composition for the production of an agent for the diagnosis of disease.

XII. Claims 24-26, drawn to a method of determination of a specific T cell subpopulation.

XIII. Claims 27-29, drawn to the use of a peptide for the production of an antigen.

XIV. Claim 30, drawn to the use of a pharmaceutical composition for the production of an agent for the therapy or prevention of diseases.

XV. Claims 31-32, drawn to a method for the isolation of a specific T cell subpopulation.

XVI. Claims 33-36, drawn to the use of T cells for the production of an antigen.

XVII. Claims 37, drawn to an antibody.

XVIII. Claims 38, drawn to an anti-idiotypic antibody.

XIX. Claims 39 and 46-47, drawn to a T cell which reacts with the sequence encoded by SEQ ID NO:1.

XX. Claims 39 and 46-47, drawn to a T cell which reacts with the sequence encoded by SEQ ID NO:2.

XXI. Claims 39 and 46-47, drawn to a T cell which reacts with the sequence encoded by SEQ ID NO:3.

XXII. Claims 39 and 46-47, drawn to a T cell which reacts with the sequence encoded by SEQ ID NO:4.

XXIII. Claims 39 and 46-47, drawn to a T cell which reacts with the sequence encoded by SEQ ID NO:5.

XXIV. Claims 39 and 46-47, drawn to a T cell which reacts with the sequence encoded by SEQ ID NO:6.

XXV. Claims 39 and 46-47, drawn to a T cell which reacts with the sequence encoded by SEQ ID NO:7.

XXVI. Claims 40-45, drawn to the use of a peptide or peptide mimetic for the production of a pharmaceutical agent which induces immune tolerance.

XXVII. Claims 48-50, drawn to a polypeptide with T cell receptor activity.

XXVIII. Claim 51, drawn to a nucleic acid which encodes a polypeptide with T cell receptor activity.

3. The inventions listed do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

U.S. Patent 5,475,086 (1995) teaches a peptide of SEQ ID NO:2, of at least 8 amino acids (see particularly Claim 3).

4. Accordingly, Groups I-XXVIII are not so linked as to form a single general inventive concept and restriction is proper.

5. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

6. Any inquiry concerning this communication from the examiner should be directed to Dr. Gerald Ewoldt whose telephone number is (703) 308-9805. The examiner can normally be reached Monday through Thursday from 7:30 am to 5:30 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973.



G.R. Ewoldt, Ph.D.
Patent Examiner
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May 6, 2002